

HB 1653 - H AMD TO H AMD (1653 AMH SIMP MOET 438) **1171**

By Representative Taylor

NOT ADOPTED 2/15/2010

1 On page 2, line 12 of the amendment, after "(3)" strike "(a)"

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3 On page 2, at the beginning of line 13 of the amendment, strike
4 "and applicable guidelines" and insert "~~((and applicable guidelines))~~"

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6 On page 2, at the beginning of line 18 of the amendment, strike
7 all material through "RCW 90.58.060" on page 4, line 16 and insert the
8 following:

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10 "(a) As of the date the department of ecology approves a local
11 government's shoreline master program adopted under applicable
12 shoreline guidelines, the protection of critical areas as defined by
13 RCW 36.70A.030(5) within shorelines of the state shall be accomplished
14 only through the local government's shoreline master program and shall
15 not be subject to the procedural and substantive requirements of this
16 chapter, except as provided in subsection (6) of this section.

17 (b) Critical areas within shorelines of the state that have been
18 identified as meeting the definition of critical areas as defined by
19 RCW 36.70A.030(5), and that are subject to a shoreline master program
20 adopted under applicable shoreline guidelines shall not be subject to
21 the procedural and substantive requirements of this chapter, except as
22 provided in subsection (6) of this section. Nothing in chapter 321,
23 Laws of 2003 is intended to affect whether or to what extent
24 agricultural activities, as defined in RCW 90.58.065, are subject to
25 chapter 36.70A RCW.

26 (c) The provisions of RCW 36.70A.172 shall not apply to the
27 adoption or subsequent amendment of a local government's shoreline

1 master program and shall not be used to determine compliance of a
2 local government's shoreline master program with chapter 90.58 RCW and
3 applicable guidelines. Nothing in this section, however, is intended
4 to limit or change the quality of information to be applied in
5 protecting critical areas within shorelines of the state, as required
6 by chapter 90.58 RCW and applicable guidelines.

7 (4) Shoreline master programs shall provide a level of protection
8 to critical areas located within shorelines of the state that is at
9 least equal to the level of protection provided to critical areas by
10 the local government's critical area ordinances adopted and thereafter
11 amended pursuant to RCW 36.70A.060(2), and consistent with subsection
12 (3) of this section"

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EFFECT: (1) Deletes a provision specifying that applicable
guidelines of the Department of Ecology must be used in
determining compliance of a shoreline master program with the
Growth Management Act. (2) Deletes amendatory provisions in the
striking amendment pertaining to the protection of critical areas
within shorelines of the state and restores current statutory
language. (3) Includes a consistency requirement pertaining to
shoreline master programs.

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